

REMARKS

In the Office Action dated June 17, 2003, claims 1-13 and 15-17 were rejected under 35 U.S.C. §103(a) as being unpatentable over Gil et al. Claim 14 was rejected under 35 U.S.C. §103(a) as being unpatentable over Gil et al., further in view of Cantu et al.

Applicants note with appreciation the interview that was courteously afforded the undersigned counsel for the Applicants on September 11, 2003, wherein the Examiner's supervisor also was present. Applicants' reasons for traversing the above rejections, as set forth below, were discussed at the interview, as were the claim amendments that have been made herein.

As extensively discussed in Applicants' previous response, the subject matter disclosed and claimed in the present application is directed to a method and apparatus for processing postal matter which allow a user to mail a postal item, intended to be sent by a governmental mail carrier (in the United States, the USPS), but which avoid the need for elaborate and expensive security measures at the deposit location. For mailing an item via a governmental carrier, unlike the case for private carriers, payment for the postage must be made at the time the item enters the governmental carrier system. Such payment can occur on site, such as by affixing postage stamps or a label printed by a franking machine, or by some type of pre-arranged debiting system between the governmental carrier and the party mailing the item, or by using the credit card of the person mailing the item. In the first instance, wherein postage stamps or a printed label are affixed to the item to be mailed, this would require such stamps, or a postage meter, to be present at the

deposit location. This, in turn, would require the aforementioned security measures to avoid theft or tampering.

The method and apparatus of the present invention solve the aforementioned problem by allowing a person wishing to mail an item via a governmental carrier to deposit the item at a first location, which need not have any physical association with the governmental carrier, and which need not be secured, with only a marking indicating the proper postage value being placed on the item at that location. The item is then transported from the deposit location to a location operated by governmental carrier, which therefore is a secure location, and the actual franking imprint is placed on the item only at that second location. The proper postage to be placed on the item at the second location is determined by means of the marking that was placed on the item at the first location. Therefore, the marking that is placed on the item at the first location is not a governmentally approved franking marking, i.e., it would not be sufficient to allow the item to be mailed, for example, if deposited in a conventional mailbox.

Independent claims 1 and 9, as amended in Applicants' previous response, referred to the mark placed on the item at the first location as being "not approved for franking" and the mark placed on the item at the second location as being "approved for franking." As discussed at the interview, Applicants are using the term "franking" in the claims and in the present specification in accordance with its normal dictionary meaning. This normal dictionary meaning encompasses the requirement for governmental approval, or meeting governmental mailing requirements, such as postage. To demonstrate this normal dictionary meaning, submitted herewith is a copy of page 489 from Webster's Ninth New Collegiate Dictionary, wherein the term

"frank" is defined as "the signature of the sender on a piece of franked mail serving in place of a postage stamp" or "a mark or stamp on a piece of mail indicating postage." A copy of page 919 from the same dictionary is also submitted herewith wherein, in turn, the term "postage" is defined as "the fee for postal service." Only mail transported via a governmental carrier requires "postage." Items transported by private carriers, such as Federal Express and UPS, do not use the term "postage" in any of their documentation, but simply refer to a "fee."

Therefore, by using the terms "approved for franking" and "not approved for franking" in claims 1 and 9, Applicants submit that the limitation of governmental approval (or non-approval) is already embodied in the meaning of the claims by virtue of being encompassed within the meaning of the word "franking." Nevertheless, it was agreed at the interview that claims 1 and 9 would be specifically amended to refer to governmental approval (or non-approval) so as to even further distinguish those claims from a generic type of marking that might be made for inter-office purposes to designate a cost center, for example.

As discussed at the interview, and as set forth in Applicants' previous response, the Gil et al. reference, to the extent that it pertains to mailing using a governmental carrier such as the USPS, operates in the conventional manner of providing a postage meter for use if the person mailing an item selects the UPS as the carrier. It is true that in the Gil et al. reference, if the person depositing the item selects a private carrier, such as Federal Express or USPS, a marking can be made on the item at the time it is deposited which must later be machine-read in order for the proper fee to be associated with the item. For the reasons discussed above,

these procedures relating to private carriers do not pertain to the subject matter of claim 1, because they do not involve "franking."

The Gil et al reference clearly distinguishes between mailing using a governmental carrier such as the USPS and transmittal of an item via a private carrier. In the paragraph beginning at column 2, line 4, for example, it is specifically stated that it is desirable to have a system that includes a single postage meter that is capable of printing a stamp directly on a letter as well as dispense a postage meter strip for subsequent affixation to a package or letter. In the immediately following paragraph, this situation is distinguished with the situation pertaining to private carriers, such as UPS and Federal Express, wherein a tracking bar code can be placed on the item.

Consistently, in the paragraph beginning at column 15, line 45, Gil et al again state that if the deposit location is intended to have the capability of allowing an item to be shipped via the USPS, it must include a postage meter. Gil et al teach that the postage meter need not be present, however, if this is the case the customer does not have the option of selecting the USPS as the carrier.

In the Office Action and at the interview, the Examiner questioned whether commercial mailing services, such as Mail Boxes, Inc., provide a service comparable to that set forth in the claims, if the customer selects the USPS as the carrier. At the interview, counsel stated he had not believed that under any circumstances the USPS would permit an item to enter its system for which postage was not already paid, unlike the case of a private carrier which permits after-shipping payment. Following the interview, the undersigned counsel visited the Mail Boxes, Inc. facility located in Crystal City below Crystal Plaza 2. The clerk confirmed that if a customer

submits an item that the customer wants to be mailed via the USPS, proper postage is affixed to the item at the Mail Boxes, Inc. facility, either in the form of postage stamps or a label printed by a postage meter. Thus, any item deposited with Mail Boxes, Inc. which is to be transmitted by the USPS is affixed with proper postage before it ever leaves the deposit location.

Since the Gil et al reference explicitly teaches using a postage meter, if a customer selects a governmental carrier to transmit the deposited item, the subject matter of independent claims 1 and 9 would not have been obvious to a person of ordinary skill in the art based on the teachings of Gil et al. Claims 2-8 add further steps to the non-obvious method of claim 1, and claims 10-13 and 15-17 add further components to the non-obvious combination of claim 9, and therefore would not have been obvious to a person of ordinary skill in the art for the same reasons discussed above in connection with claims 1 and 9.

With regard to claim 14, the Examiner relied on the Cantu reference as teaching a solar powered display module. Applicants do not disagree with the Examiner's statements regarding the teachings of Cantu et al, but for the reasons discussed above, Applicants submit that even if the apparatus disclosed in the Gil et al reference were modified in accordance with the teachings of Cantu et al, the subject matter of claim 14, which embodies the subject matter of claim 9 therein, still would not result.

All claims of the application are therefore submitted to be in condition for allowance.

Entry of the present Amendment after the final rejection is submitted to be proper because, as discussed above, Applicants have merely amended independent

claims 1 and 9 to explicitly include language which is already encompassed by the term "franking." Therefore, the present Amendment does not raise any new issues requiring further searching or consideration, and entry of the present Amendment is therefore respectfully requested.

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